

Notice of Allowability

Application No.

10/825,505

Examiner

Darren W. Ark

Applicant(s)

TAFT ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amdt. filed 3/31/05 & Telephone Interview 5/4/05.
2. ☒ The allowed claim(s) is/are 2-15.
3. ☒ The drawings filed on 31 March 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |



DARREN W. ARK
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter D. Sachtjen on Wednesday, May 4, 2005.

The application has been amended as follows:

Claim 2. A fire ant trap for eradicating ~~of~~ fire ants in a mound projecting above the ground, said fire ant trap comprising: a cover member having an exterior wall forming a downwardly opening cavity and terminating with a peripheral rim for engaging and surrounding a periphery of the mound; a plurality of stake members carried on said exterior wall and moveable between a raised stowed position and a lowered position for embedding in the ground to secure the cover member at the mound; releasable means cooperating between said stake members and said cover member for maintaining said stowed position; an opening at the top of the cover member communicating with said cavity; a tubular member having a center passage extending through said opening, said tubular member having an end portion having a plurality of passages to said center passage and terminating with a beveled tip portion; coupling means cooperating between said tubular member and said cover member to provide for lowering and rotating said tubular member from an upper position and a lower position during which

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said beveled tip portion ~~and~~ penetrates and mechanically disrupts an ~~the~~ upper portion of the mound; a dispensing opening in said tubular member above said cover member for receiving an eradicating agent effective against fire ants for dispersing said agent through said center passage to the end portion of the tubular member for access by fire ants in the mound; and a cover for sealing the dispensing opening.

Claim 3. The fire ant trap as recited in claim 2 wherein said coupling means includes a threaded bore at said opening at the top of the cover member and a threaded section on said tubular member inter-engaging with said threaded bore and wherein said is concurrently axially moved and said tip portion is rotated upon rotation of said tubular member.

Claim 5. The fire ant trap as recited in claim 4 wherein said cover includes a plug section engaging the surfaces of the upwardly opening cavity for sealing said dispensing opening.

Claim 6. The fire ant trap as recited in claim 2 wherein said threaded bore section is formed at an annular collar surrounding said opening at the top of the cover member.

Claim 9. The fire ant trap as recited in claim 2 wherein each of said stake members comprises an elongated cylindrical pointed shank having an enlarged head at an said upper end thereof.

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Claim 10. The fire ant trap as recited in claim 9 including a release handle slidably disposed on each said shank member and manually operable for raising each said stake member from said lowered position.

Claim 13. A method for eradicating fire ants at a mound projecting above ground, said method comprising the steps of: placing an enclosure over said mound having a downwardly opening cavity and a peripheral rim engaging a periphery of the mound; mechanically attaching said enclosure to said ground; inserting an elongated tubular auger assembly having a central axial passage and a beveled tip into said cavity through an opening formed in a top portion of said enclosure; axially downwardly shifting said beveled tip into a top portion of said mound and thereafter rotating said tip to disturb said mound mound to thereby attract the fire ants thereto; dispensing a fire ant eradicating agent into said passage to said tip; sealing said passage; and removing said enclosure from said mound after eradicating said fire ants.

Claim 15. A fire ant trap for applying a fire ant control agent at a mound projecting above the ground, said fire ant trap comprising: a thin walled enclosure having surfaces defining a downwardly opening cavity terminating at a lower rim for engaging a ~~the~~ periphery of the mound; projecting means for embedding in the ground and for attaching said enclosure at said mound; an opening in a top portion of said enclosure surrounded by an annular collar; a tubular member having an axial passage slidably disposed in said opening, said tubular member having an upper end and an angled lower end, said

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tubular member being movable between a raised position entirely within said cavity in said enclosure wherein said lower end is above said lower rim and said mound and a lower position wherein said lower end is within said cavity, is above said lower rim, and penetrates said mound; threaded coupling means cooperating between said upper end ~~end~~ of said tubular member and said collar when said tubular member is in adjacent said lower position such that rotation of said tubular member ~~auger assembly~~ thereat concurrently axially advances and rotates said lower end into engagement with said mound thereby disturbing said mound and attracting the fire ants; filling means connected with said upper end of said tubular member communicating with said passage for receiving fire ant eradicating agent and delivering the agent for distribution at said lower end of said tubular member at the mound; and means associated with said filling means for ~~delivering the agent to said passage and closing said passage to~~ prevent escape of the fire ants therethrough.

2. The following is an examiner's statement of reasons for allowance:

In regard to claim 2, the prior art of record does not disclose a fire ant trap for eradicating fire ants in a mound projecting above the ground, the fire ant trap comprising releasable means cooperating between the stake members and the cover member for maintaining the stowed position.

In regard to claim 13, the prior art of record does not disclose a method for eradicating fire ants at a mound projecting above ground, the method comprising the

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steps of axially downwardly shifting the beveled tip into a top portion of the mound and thereafter rotating the tip to disturb the mound to thereby attract the fire ants thereto.

In regard to claim 15, the prior art of record does not disclose a fire ant trap for applying a fire ant control agent at a mound projecting above the ground, the fire ant trap comprising the tubular member being movable between a raised position entirely within the cavity in the enclosure wherein the lower end is above the lower rim and the mound and a lower position wherein the lower end is within the cavity, is above the rim, and penetrates the mound.

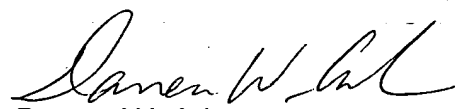
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Darren W. Ark
Primary Examiner
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DWA